HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 1133 of 2006

CRIMINAL SIDE

Harendra Singh s/o Sri Durlab Singh
Village Barsir, Patwari Circle Barsir,
Tehsil Jakholi, District Rudraprayag

…Accused/ Applicant

Versus

State of Uttaranchal …..Opposite Party

Case Crime No. 2 of 2006
Under Sections 323, 376/ 511, 457 and 506 I.P.C.
Patwari circle Barsir, Tehsil Jakhli, District Rudraprayag.

Dated: 12.12.06

By the Court

Hon'ble Rajesh Tandon, J.

Heard Sri R.P. Nautiyal, Advocate for the applicant and the A.G.A. for the prosecution.

Accused applicant Harendra Singh has applied for bail in case crime No. 2 of 2006 under Sections 323, 376/ 511, 457 and 506 I.P.C. Patwari circle Barsir, Tehsil Jakholi, District Rudraprayag.

According to the prosecution case accused has tried to commit rape on complainant Purni Devi while she was sleeping in her room on 8.10.2006 at about 9.00 – 10.00 PM. The F.I.R. of the incident was lodged at 5.00 P.M. on the next day.

Counsel for the applicant has submitted that there was old enmity between the complainant and the accused. There is

simple injury on the person of the complainant which does not support the prosecution allegation that the accused attempted to commit rape on the prosecutrix.

I have considered the respective submissions of the parties. Without expressing anything on the merit of the case and considering the totality of facts and circumstances, in my opinion, it is a fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

Rajesh Tandon, J.

Dated : 12.12.2006
*Dhyani